

Appl. No. : 10/009,792
Filed : December 13, 2001

REMARKS

This amendment is in response to the Office Action mailed November 30, 2004. Claims 1-13 are pending. By this amendment, Claims 1-6, 8, 9, and 12 are amended.

Amendments to the specification

Paragraph 1 of the specification has been amended to add the word "application" between the words "This" and "is the U.S...", as suggested by the Examiner.

Rejections under 35 U.S.C. § 112, second paragraph

The Examiner objected to Claims 1-13 the disclosure under 35 U.S.C. 112, first and second paragraphs, as allegedly being indefinite, and for allegedly failing to particularly point out and distinctly claim the subject matter for which Applicants regard as the invention. While Applicants respectfully disagree with the Examiner's objections, solely for the purpose of advancing prosecution, the objections corresponding to paragraphs 9A through 9M of the Office Action have been fully addressed by the amendments to the claims.

Regarding paragraphs 9A and 9B, dependent Claim 2 has now been amended to replace the language after "...of claim 1," with "wherein the nucleotide sequence coding for the oligopeptide comprises a nucleic acid sequence encoding SEQ ID NO: 28."

Regarding paragraphs 9C, 9D, 9E, 9H, 9J, and 9K, of the Office Action, the corresponding claims have now been amended according to the Examiner's suggestions.

Regarding paragraph 9F, Claim 3 has now been amended by removing "derived from *Bacillus sp.*" and adding "a *Bacillus sp.*" prior to the word "endoxylanase."

Regarding paragraph 9G, Claim 3 has now been amended to delete the term "modified" and add the term "lacking its native signal sequence" after "(hG-CSF)". Support for this amendment can be found, for example, in Figure 4, which shows a diagram of the removal of the native signal sequence, and further at Figure 12, which is a sequence confirmation of the junction of the pTHKCSFmII construct, showing that the N-terminal native signal sequence has been removed from the hG-CSF sequence. Further, Claim 12 has been amended to delete the term "modified."

Regarding paragraph 9I, Claim 9 has now been amended to add "isolated from the protein pool" after "fusion protein is." Support for the term "isolated from the protein pool" can be found at page 6, lines 19-22 of the specification.

Appl. No. : 10/009,792
Filed : December 13, 2001

Regarding paragraph 9L, Claim 1 has now been amended to delete "including" and to insert "wherein" and "of the 13 amino acids are" where indicated. Regarding paragraph 9M, Applicants respectfully submit that this objection has been rendered moot by the amendments to the base claims.

Objections under 37 C.F.R. § 1.75(c)

Further, the Examiner objected to Claims 6 and 8 under 37 C.F.R. § 1.75(c). At paragraph 10A, the Examiner objected to Claim 8 as being in improper form. Claim 8 has now been amended to remove the language "of claim 1." At paragraph 10B, the Examiner objected to Claim 6 for lack of italics in the term "*E. coli*." This has now been corrected as suggested by the Examiner.

Priority document

The Examiner additionally requested submission of the priority document, Korean Application No. 2000/17052. The document will be submitted in due course.

CONCLUSION

This Amendment addresses each issue raised in the Office Action, and Applicant respectfully submits that the application is now in condition for allowance, which action is earnestly solicited. If there remain any obstacles to prompt allowance, the Examiner is invited to call the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: February 25, 2005

By: Suzanne G. Jepson
Suzanne G. Jepson, Ph.D.
Registration No. 51,848
Agent of Record
Customer No. 20,995
(619) 235-8550